

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE.

AND

HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

W.A.M.P.No.58 of 2005

In/and

W.A.No.454 of 2005

(Writ Appeal under Clause 15 of the Letters Patent Act against the Order dated 23-8-2001 in W.P.No.17564 of 2001 on the file of the High Court.)

WAMP.No.58 of 2005 & W.A.No.454 of 2005:

Between:

Kuchipudi Narayadu @ Narayana Rao,

S/o Chinnayya, age: 70 years,

R/o Kateru village, Rajahmundry,

Rural Mandal, E.G.district.

..Appellant-Petitioner

and

1. The Joint Collector-cum-Settlement Officer, E.G.district at Kakinada.

2. The Mandal Revenue Officer, Seethanagaram (M), E.G.Dist.
3. The Special Commissioner and Director of Settlements,
Govt. of Andhra Pradesh, Nampally Road,
Hyderabad.

...Respondents

PRAYER IN WAMP.No.58 of 2005:

Petition under Section 5 of the Limitation Act read with Section 151 C.P.C., praying that in the circumstances stated in the accompanying affidavit the High Court may be pleased to condone the delay of 1108 days in filing the writ appeal against the order in W.P.No.17564 of 2001 on the file of this Court in the interest of justice and to pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Appellant / Petitioner: Mr. K.Venkatesh

Counsel for the Respondent Nos.1 to 3: G.P for Revenue.

The Court made the following:

ORAL JUDGMENT: (Per Hon'ble the Chief Justice)

There is already a delay of 1,108 days in filing the appeal, which is sought to be condoned on the ground of old age and financial constraints. In any case, we have gone through the papers and heard the learned counsel for the appellant. Learned single Judge dismissed the writ petition on the ground that in the absence of production of any evidence by the petitioner in support of his claim for grant of ryotwari patta, the primary authority as well as third respondent dismissed the petitioner's claim. Learned single Judge also noticed that in the counter-affidavit, the Mandal Revenue Officer Seethanagaram Mandal, East Godavari district, had stated that the total land available on the ground in R.S.Nos.118 and 205 in Purushotapatnam village, is only Ac.34-70 cents in respect of which the petitioner was already granted ryotwari patta, and there is no land available. In these circumstances, there is hardly any ground to interfere in such orders.

While condoning the delay, we dismiss the writ appeal.

DEVINDER GUPTA, C.J.

B.SESHASAYANA REDDY, J.

02-03-2005

bsc

Copy to:

1. The Joint Collector-cum-Settlement Officer, E.G.district at Kakinada.
2. The Mandal Revenue Officer, Seethanagaram (M), E.G.Dist.
3. The Special Commissioner and Director of Settlements,

Govt. of Andhra Pradesh, Nampally Road,

Hyderabad.

4. Two CCs to the G.P. for Revenue,
High Court Buildings, High Court of A.P.,
Hyderabad.

5. Two CD copies.